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ANNUAL REPORT

OF

PUBLIC DEFENDER OF LOS ANGELES COUNTY

July 1, 1937, to July 1, 1938.

FREDERIC H. VERCOE

PUBLIC DEFENDER

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JURISDICTION OF PUBLIC DEFENDER

The right of a person accused of a criminal offense, in the Superior Court, to be represented by counsel is guaranteed by the Constitution of the United States, by the Constitution of the State of California, and by the Penal Code of this state.

Section 987 of the Penal Code of the State of California provides as follows:

> "If the defendant appears for arraignment without counsel, he must be informed by the court that it is his right to have counsel before being arraigned, and must be asked if he desires the aid of counsel. If he desires and is unable to employ counsel, the court must assign counsel to defend him."

COUNTY CHARTER

Under the County Charter, in criminal cases, it is the duty of the Public Defender, either upon request of the defendant, or upon order of the court, to defend all persons who are not financially able to employ counsel and who are charged, in the Superior Court, with the commission of a

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felony or other offense. It is also his duty to prosecute all appeals to a higher court or courts, of any person who has been convicted upon any such charge, where, in his opinion, such appeal will, or might reasonably be expected to, result in a reversal or modification of the judgment of conviction.

In civil matters it is his duty, under the law, to handle cases and prosecute actions for the collection of wages and of other claims of persons who are not financially able to employ counsel, in which the sum involved does not exceed $100.00, and in which, in his judgment, the claims urged are valid and enforceable in the courts.

It is also his duty to defend persons who are not financially able to employ counsel in civil litigation in which, in his judgment, they are being persecuted or unjustly harassed.

ADVANTAGES OF PUBLIC DEFENDER FROM ECONOMIC STANDPOINT.

The Public Defender saves the County of Los Angeles at least five times the cost of operating the office during a year by the manner in which the defense of persons accused of crime is conducted. Unnecessary loss of time is eliminated without sacrificing the interests of the accused. Pleas of guilty are encouraged where the defendant is obviously guilty. Unnecessary and costly trials are avoided whenever

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it is possible to do so. The time consumed in the trial of cases is shortened by eliminating dilatory and procrastinating tactics sometimes engaged in by attorneys representing defendants.

During the fiscal year 1937-1938 the Public Defender handled 2,851 criminal cases in the Superior Court. The Public Defender represented the defendant in 58 per cent of all cases filed by the District Attorney. In these cases 1,149 defendants entered pleas of guilty when first arraigned in court and without the case being set for trial. In 1540 of said cases pleas of not guilty were entered and the cases set for trial, but only 350 trials were actually held. 1190 were disposed of without trial. 1041 of said trials were disposed of by changing the pleas of defendants from not guilty to guilty. 149 of said cases were dismissed and stricken from the calendar because it would not have been advantageous to try them. In each of said cases the rights of the defendants, under the law, were fully protected and accorded to them.

But for the work of the Public Defender in disposing of said cases without trial, at least 1000 more of said cases would have had to be tried in the courts. If said 1000 cases had gone to trial it would have required eight more Superior Courts assigned to the trial of criminal cases than are now handling said cases, functioning full time, to have tried the same.

In round figures, it costs the County of Los Angeles

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$50,000.00 a year to operate a Superior Court that handles criminal cases. With eight more criminal courts operating it would have cost the county an additional $400,000.00 to dispose of its criminal cases.

Years ago, Judge Frank R. Willis, the Nestor of the criminal courts of Los Angeles County, where he presided for 13 years, in a letter with reference to the office of the Public Defender, said:

"It has been a great saving to the county in the matter of expense and has usually been productive of a more fair and impartial administration of justice than the method formerly employed of appointing attorneys unfamiliar with criminal law to represent the defendant's interests.

"I am well satisfied with the efficiency of the office and of the necessity for its continuance as a matter of economy and justice."

Judge Charles W. Fricke, who is presiding in Department 43, one of the criminal departments of the Superior Court, in writing about the Public Defender, had this to say:

"Your method of avoiding useless trials whenever possible by pleas of guilty and in trying cases to the court without juries, results in saving a tremendous amount of the time of the courts. Your department in all of its work very materially assists the courts in disposing of criminal cases.

"As I have repeatedly and publicly declared, the

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expense of your office is more than saved the county by the manner in which your work is handled."

SUMMARY OF ADVANTAGES OF PUBLIC DEFENDER IN CRIMINAL CASES.

1. If the defendant has no case, he is honestly advised to plead guilty, thus avoiding unnecessary trials.

2. If the defendant has a good case, he is given an adequate defense - not a perfunctory one - thereby truly safeguarding his interests.

3. Juries are often waived.

4. Cases are promptly tried when reached on the calendar - not continued time after time - thereby helping to solve the problem of congested criminal court calendars.

5. Cases are tried more expertly because of the skill of the defenders; and the time of the court, of the jury, of the witnesses, of the court attaches and others is not wasted by needlessly protracted trials.

6. By virtue of the foregoing, vast economies are effected in the administration of criminal justice.

7. The trial judges tend to rely upon the opinion and statements of the Public Defender in disposing of cases.

8. Chicanery and unethical practices are never resorted to, and the atmosphere of the trial of criminal cases is elevated and thereby respect for the law is enhanced.

9. There are less chances of miscarriage of justice against a poor and perhaps illiterate defendant who might

5. If the defendant has no case, he is morally entitled to plead guilty, thus avoiding unnecessary strain.

6. If the defendant has a good case, he is given adequate defense - not a perfunctory one - thereby truly [illegible].

4. Cases are properly tried when reached on the calendar - not continued once after time - thereby helping to [illegible].

of the defenders; and the time of the court, of the jury, of the witnesses, of the court attendants and counsel is not wasted by needlessly protracted trials.

6. By virtue of the foregoing, vast economies are effected in the administration of criminal justice.

7. The trial judges tend to rely upon the opinion and statement of the Public Defender in disposing of cases.

8. Discovery and questional practices are never resorted to, and the atmosphere of the trial of criminal cases is elevated and properly respect for the law is summoned.

9. There are less occasions of miscarriage of justice where a poor and perhaps illiterate defendant who might

otherwise be sent to prison because of not knowing what it is all about.

PUBLIC DEFENDER IN CIVIL CASES.

The Public Defender's civil jurisdiction is hardly less important than his criminal jurisdiction.

Millions of dollars are spent in the State of California each year in giving indigent persons, the poor, needy, and helpless, medical aid and hospitalization. This aid is rendered by the State so that such persons may be restored to health and again be placed, if possible, in a self-supporting condition.

Likewise, it is the duty of the Public Defender to render legal aid to the poor, needy, and helpless in order to straighten out their legal difficulties, secure for them their rights under the law, or redress for their wrongs, so that they may continue to be self-supporting and not become charges of the Public Welfare Department.

APPLICATIONS FOR ASSISTANCE IN CIVIL CASES.

During the fiscal year 1937-38, 23,518 persons applied to the Public Defender for legal assistance in civil cases. 15,237 were advised as to their legal rights and claims under the law; 2,486 had claims for wages due, property detained, or other miscellaneous claims which were handled and adjusted; 2153 were refused legal assistance because

charges of the Public Welfare Department.

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During the fiscal year 1937-38, 23,119 persons applied

15,287 were advised as to their legal rights and claims

they had the means to pay an attorney or because their cases were outside the jurisdiction of the office; and 3,642, whose cases were outside the jurisdiction of the Public Defender, were referred to the lawyers on the Public Defender's list of lawyers. Said list of lawyers is maintained with the assistance of the Los Angeles Bar Association and the lawyers on it are approved by said association. Said lawyers handle the cases referred to them by the Public Defender and render legal assistance.

TOTAL APPLICATIONS FOR ASSISTANCE.

The total number of applications to the Public Defender for assistance in both civil and criminal cases in the fiscal year 1937-38 was 34,248.

The wages of more than 1600 working men and women that had been garnisheed, and were exempt under the law, which were released from said garnishment by the assistance of the Public Defender, amounted to $32,277.73. By said aid the Public Defender was able to keep the family of many a poor working man from actually going hungry and from becoming public charges requiring the assistance of the County Welfare Department. The persons aided in the civil department of the Public Defender's office were financially unable to employ a lawyer in private practice.

The Public Defender recovered $47,937.81 for the poor and indigent persons who applied to him for legal assistance in civil cases during the fiscal year 1937-38.

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The total number of applications for legal assistance and litigant fees was 2,977.81 for the fiscal year 1937-38, an increase of 1,141.81 over the fiscal year 1936-37.

Two hundred and forty-seven persons were assisted to employ a lawyer in private practice.

THE COST OF PUBLIC DEFENDER'S OFFICE.

The cost of maintaining and operating the Public Defender's Office during the fiscal year 1937-38 was $63,717.15. The Public Defender saves the County of Los Angeles and the tax payers annually at least five times the cost of maintaining the office.

DETAILED REPORT OF CRIMINAL CASES

Cases in which appearances were made in court:

Total number of court appearances in Superior Court		9572
Total number of defendants represented		2636
Cases undisposed of July 1, 1937, and finally disposed of during last fiscal year - - - - -	172	
Felony cases, Superior Court - - - - - - - - - -	2303	
Violation of Probation cases - - - - - - - - - -	176	
Contributing cases in Superior Court, Misdemeanors - - - - - - - - - - - - - - - - - -	188	
Insanity cases, Superior Court - - - - - - - - -	12	
Contempt cases, Superior Court - - - - - - - - -	0	4931

CONSULTATIONS

Consultations held in office - - - - - - - - - -	3692	
Consultations held in County Jail - - - - - - -	4998	8690

TRIALS IN CRIMINAL CASES

Total number of trials set during year and disposed of -		1540
Trials eliminated by changing pleas of not guilty to guilty - - - - - - - - - - - - - - - - -	1041	
Cases disposed of by being dismissed - - - - - - -	119	
Cases disposed of by being stricken from calendar	30	
Cases actually tried - - - - - - - - - - - - - - -	350	1540

RESULT OF TRIALS

Verdicts of guilty	155	
Verdicts of guilty less offense	26	
Verdicts of not guilty	134	
Jury disagreements	9	
Verdicts sane, criminal insanity trials	5	
Verdicts insane, criminal insanity trials	21	350

CIVIL INSANITY TRIALS

Verdicts sane	6	
Verdicts insane	10	16
Total number of trials completed		366

SUPERIOR COURT PRELIMINARY EXAMINATIONS.

CONTRIBUTING CASES

Total preliminary examinations		181
Defendants held to answer to Superior Court	145	
Defendants discharged and cases dismissed or stricken off calendar	36	181

MISCELLANEOUS DISPOSITIONS

PLEAS OF GUILTY

Total pleas of guilty to offense charged	1764	
Total pleas of guilty of less offense than charged	426	2190

Total number of arrests completed - - -

VIOLATION OF PROBATION CASES

Number of cases handled - - - - - - - - - - - - - - - -		175
Probation modified and continued without further County Jail sentence - - - - - - - - - - - - - - - - - -	39	
Probation modified and continued with additional County Jail sentence - - - - - - - - - - - - - - - - - -	75	
Fine imposed on defendant - - - - - - - - - - - - - - -	6	
Probation revoked and defendant sentenced to San Quentin -	33	
Violation of probation dismissed - - - - - - - - - - -	22	175

PROBATION ORDERS

Defendants granted probation without jail sentence	88	
Defendants granted probation with jail sentence - -	575	
Defendants denied probation - - - - - - - - - - - - - -	564	1227

SENTENCES AND FINES

Defendants sentenced to death - - - - - - - - - - - - -	2
Defendants sentenced to San Quentin - - - - - - - - -	368
Defendants sentenced to Folsom - - - - - - - - - - -	132
Defendants sentenced to Tehachepi (Women)- - - - - -	10
Defendants committed to Preston School (Ione)- - -	72
Defendants committed to Ventura (Girls) - - - - - -	0
Defendants sentenced to County Jail - - - - - - - -	729
Defendants fined - - - - - - - - - - - - - - - - - - -	168

DEFENDANTS COMMITTED TO STATE HOSPITALS

Defendants committed to State Hospitals as insane	27	
Defendants committed to Spadra (Narcotics)	0	27

MISCELLANEOUS MATTERS

Motions for new trials granted	1	
Motions for new trials denied	14	15
Demurrers sustained	0	
Demurrers overruled	0	
Cases pending and undisposed of		212

REPORT OF CIVIL CASES

Total number of applications in the office for assistance in civil cases		23,518
Applications in which advice was given on various subjects		15,237
Applications rejected because applicants were able to pay a fee or because the office was without jurisdiction:		
Refused	2153	
Referred to attorney	3642	5,795
Cases accepted and handled		2,486

CASES ACCEPTED AND HANDLED

Labor claims	253	
Detention of or injury to personal property	153	
Illegal attachments and garnishments and other persecution cases	1607	
Miscellaneous accepted cases	473	2,486

Moneys collected and chattels recovered without suit (approx.) - - - - - - - - - - - - - - - - - - -		$15,169.91
Amount of wages released from illegal garnishment - - - - - - - - - - - - - - - - - - -		32,277.73
Amount of judgments recovered - - - - - -	$491.68	
Amount collected on judgments - - - - - - - - - -		270.89
Amount collected on settlements before trial- - -		199.68
		$47,937.81

Suits filed and won - - - - - - - - - - - - - - - -	3	
Suits filed and lost - - - - - - - - - - - - - - - -	1	
Suits filed and settled before trial - - - - - -	3	
Suits filed in which office withdrew as atty	0	
Suits filed and not disposed of - - - - - - - - -	5	12
Total appearances in court on cases filed and miscellaneous accepted cases - - - - - - - - -		336.

Respectfully submitted,

FREDERIC H. VERCOE,

PUBLIC DEFENDER

FINANCIAL REPORT

OF

PUBLIC DEFENDER OF LOS ANGELES COUNTY

July 1, 1937, to July 1, 1938.

MONEYS RECEIVED

Total amount of moneys collected and received for and on behalf of the persons represented by the Public Defender under the law. Said moneys were collected from claimants for costs and from defendants indebted to said persons so represented: $1,594.81

No moneys belonging to the County of Los Angeles were collected

MONEYS EXPENDED

Total salaries paid - - - - - - - - - - - - - - - -		$62,610.10
Total Outlay Expenditures, itemized as follows:		
Law Books - - - - - - - - - - - - - - - - - - -	$39.29	
Furniture and Furnishings - - - - - - - - - -	34.61	
Office Equipment other than Furniture - - -	96.37	170.27
Total Maintenance & Operation - - - - - - - -		936.78
		$63,717.15

Respectfully submitted,

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MONEYS RECEIVED

Total amount of moneys collected and received for and on behalf of the person represented by the Public Defender under the law. Said moneys were collected from claimants for costs and from defendants indebted to said persons so represented: $1,894.61

No moneys belonging to the County of Los Angeles were collected

MONEYS PAID BY

Total salaries paid - $52,010.10

Total Office Expenses, itemized as follows:

Law Books - 339.25

- 24.42

Office Equipment other than Furniture - - - - 22.37 1?0.27

Total Maintenance & Operation - - - - - - - - - - - - - 336.78

$52,517.15

REPORT H. WARREN,

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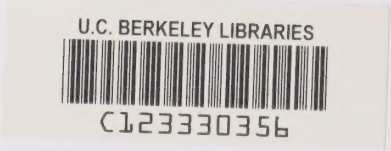

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